

ADEPT Political Commentaries

May-July 2004

1. Three years since presidential decree was signed

Three years passed since the presidential decree no. 46-III of 15.05.2001 on resolution of the Transdnistrian conflict was issued. Under the decree "settling Transdnistrian conflict by observing the principles of territorial integrity and state sovereignty is a key task for the public authorities of the Republic of Moldova". Three priorities were singled out: a) developing and adopting a special legal status of the localities to the left of Dniester; b) restoring joint economic, social, legal and defence space as well as a single border; c) undertaking measures to build mutual trust". To enforce the decree a raft of Parliamentary and Governmental commissions and other structures were to be established so as to "speed up resolution of the Transdnistrian conflict".

As a result, Parliament established via its resolution no. 178-XV of 18.05.2001 a parliamentary Commission on Transdnistrian problem that was to "meet with representatives of Transdnistrian side on a bi-weekly basis". On December 6, 2002 Parliament passed the Law no. 1520-XV on modification and completion of the Law no. 64-XII on Government providing that "Government shall also include a Ministry of Reintegration of the Republic of Moldova", which "shall promote and ensure the enforcement of the Government policy on country reintegration".

President established via his decree no. 812-III of 01.08.2002 a State Commission for the Reintegration of the Republic of Moldova entrusted to "work out propositions on modification of the legal framework so as to bolster country reintegration process". Via Decree no. 1012-III of 12.12.2002 Vasile Sova was appointed as the Minister of Reintegration, who was entrusted via another decree no.1101-III of 31.01.2003 to "negotiate on settling Transdnistrian conflict and country reintegration..." In its turn, Government established via resolution no. 385 of 31.08.2003 an Interdepartmental Commission for the Country Reintegration entrusted to "implement unified policy of country reintegration..." Ministry of Reintegration headed by Vasile Sova was designated to oversee its activity.

In line with presidential decree no. 46-III "bodies taking part in negotiations on behalf of the Republic of Moldova are to actively cooperate with State Commissions on political resolution of the Transdnistrian conflict of the Russian Federation and Ukraine, as well as OSCE Mission and other international organisations". In this respect, Parliament ratified via Law no.760-XV of 27.12.2002 the Friendship and Cooperation Treaty between Republic of Moldova and Russian Federation of 19.11.2001. Under the Treaty, contracting parties "pledged their commitment to political resolution of the Transdnistrian conflict, whereto Russian Federation is one of the mediators and guarantors..."

In fact the Treaty was signed with many legal aspects such as support of secessionism, or Russian military presence on the soil of the Republic of Moldova being inadequately tackled. As there were no clear-cut solutions as to how to settle the conflict, Article 4 of the Treaty provided that in cases when "security of any of the parties is under threat, it shall address the other Party to immediately hold consultations and examine the situation". Article 5 of the Treaty provided that "Each of the Contracting Parties shall refrain from any actions that would infringe on the other party's sovereignty, independence and its territorial integrity. The Parties condemn separatism under all its forms and pledge not to support separatist movements".

Therefore, albeit many of the aforesaid actions were actually carried out, their effects have been contrary to the outcomes Decree no. 46-III sought to achieve and even fell short of Moldovan authorities' expectations. A raft of events in the last couple of months might prove to have negative or even dangerous repercussions: total halting of the economic ties between Chisinau and Tiraspol; provocations and other actions seeking to throw Moldovan police out of Bender; threats to shut down Moldovan schools in Transdnistria; privatisation of Transdnistrian enterprises despite measures undertaken by Chisinau to halt the process; no telephone connection between the two regions for almost six months, etc.

2. Efforts to work out the legal status of Transdnistria

Noteworthy, there are evidences pointing to the numerous deviations in enforcing presidential decree no. 46-III. Thus, one year after it was signed the idea of "developing and adopting a special legal status of localities to the left of Dniester" was abandoned in favour of modifying Constitution of the Republic of Moldova, so as to transform the country into a federative one. That was provided for in the OSCE draft made public on July 3, 2002 in Kiev.

Later on, in February 2003 President Voronin gave up the idea of modifying Constitution of the Republic of Moldova and proposed to draft the Constitution anew. That was to be done by a Constitutional Commission to equally represent Moldova and Transdnistria. Parliament adopted via its resolution no. 160-XV of 04.04.2003 the Protocol on the mechanism of developing and approving the Constitution of the Federal State (that was never made public), whereas via its resolution no. 180-XV of 17.04.2003 designated three people to the said Commission. It was to be assisted by experts from OSCE and Venice Commission of the Council of Europe.

Yet the third correction in handling Transdnistrian conflict was by all means a secret one. Without notifying citizens of the country, or OSCE for that matter, which at the time was working on a new draft agreement between Republic of Moldova and Transdnistria, Vladimir Voronin asked Russian President to designate experts that were to draft constitutional principles of the "joint state" due to be formed by the Republic of Moldova and Transdnistria. The resulting document - "Kozak Plan" named after Russian expert and diplomat who oversaw its elaboration, was released half a year ago and was to provide a quick solution to the Transdnistrian conflict. According to president Voronin it should have had the impact of the "Berlin wall" fall. The document was to be signed by the Moldovan President and the chief of

Transdnistrian administration in the presence of Vladimir Putin on November 25, 2003. However, shortly before President Putin's arrival to Chisinau, his Moldovan counterpart changed his mind and decided to "adjourn" the document signing on the grounds "the document was developed behind Europe's back, which we intend to join".

International reactions to not consulting OSCE, EU, NATO etc while developing the "Kozak Plan" albeit diplomatic, were quite negative. Domestically, public opinion had different opinions. For instance state owned media referred to aforesaid events as a "brave initiative" of President Voronin. Opposition had its own takes on the subject and responded with protest rallies and accusations of "high treason". Constitutional experts referred to the morph from "developing and adopting a special legal status for localities to the left of Dniester" into developing a new Constitution by Republic of Moldova and Transdnistria based on parity principles, as well as to ways and procedures for reaching that goal as juridical nihilism.

3. Negotiation status

Since the "Kozak plan" signing has been "adjourned" almost half a year ago, negotiations between Chisinau and Tiraspol have reached a deadlock. President Voronin confirmed this in his address to the Parliament at the closing winter session: "Currently, the prospects of Transdnistrian conflict settlement seem quite gloomy". Tiraspol administration blames President Voronin for that "gloominess" in the negotiation process, also for undermining "final" solutions of settling the conflict, and what's more important for "total lack of credibility". Given the aforesaid, Tiraspol position in negotiations has become more intransigent while it insisted on extra-guarantees for the negotiations to resume.

The deadlock in negotiations for some months now has made overcoming "gloominess" a must for everyone, i.e. conflicting parties and mediators alike. And this is the more so, as some are keen to preserve the status quo, which to some opens opportunities in pursuing their goals, whereas to others to justify their mediation efforts. In this respect, to resume negotiations in January Bulgarian Chairmanship of OSCE gathered mediators (Russia, Ukraine and OSCE) for a meeting in Sofia. Parties agreed that negotiation format should not be changed. Two weeks later on February 13, OSCE Mission in Chisinau released a new plan entitled "Propositions and recommendations of the mediators, i.e. OSCE, Russian Federation and Ukraine on Transdnistrian conflict settlement". Moreover, they called on Chisinau and Tiraspol to come up with propositions on amending the plan, which were to be discussed in late February at Belgrade mediators' reunion.

Chisinau did submit its recommendations; however it failed to present them to its own people. Only mediators, Tiraspol administration and some international institutions have had a chance to take a good look at the document. Well, the only thing Moldovans did really learn was that the new draft Moldovan authorities came up with was nothing but an amended version of the "Kozak Plan"; info disclosed by foreign political analysts, in particular American analyst Vladimir Socor. The latter also revealed that Moldovan authorities intend to hold a referendum on the modification of the Republic of Moldova Constitution simultaneously with parliamentary elections, in

the hope that the move would resolve the conflict. Those suppositions are very much in line with President Voronin's claims that Transdnistrian conflict would be settled by April 2005.

Transdnistrian authorities did not come up with any propositions at the Belgrade meeting as they were quite happy with the "Kozak Plan" as it was. OSCE Mission in Chisinau was quite critical of their position as well as of their thwarting pentagonal negotiations. Nevertheless negotiations resumed on April 27. Still the situation is quite uncertain. On top of that, resumed negotiations were a good opportunity for Tiraspol to release the draft "Declaration on endorsement by the people of the Republic of Moldova and Transdnistrian Moldovan Republic of the federative state establishment".

It is all-to-clear that the draft Declaration issued by the Transdnistrian authorities was part of its plan to make its position more intransigent. Indeed, last year on August 8 Tiraspol released its own draft Constitution for the "joint state" that is to be founded by the Republic of Moldova and Transdnistria. That draft was in fact copied from the confederation model to be found in Serbia and Montenegro Constitution (see political comment "[Transdnistrian project](#)"). It provided for the subject's rights to secession. This time however, Transdnistrian leaders propose the Declaration itself to be subject to a separate referendum to be held in Moldova and Transdnistria, making possible to legalise secessionism prior to the establishment of a "joint state", in case that people on either sides would give up on establishing a "joint state" at the would-be referendum.

4. Tiraspol's dexterity or Chisinau' inconsistency

Regardless of the attitude one might have towards Tiraspol separatist regime, undoubtedly it is very efficient in pursuing its goals. For instance in 1994 it secured the documents synchronising the evacuation of Russian troops with working out its legal status to be signed; in 1996 it earned the right to foreign trade based on the customs seals provided by Republic of Moldova; in 1997 the famous Memorandum granted it the status of equal party in building the "joint state" together with the Republic of Moldova; in 2002 it pushed Moldovan authorities in accepting the "joint state" to be a federation; in 2003 via "Kozak Plan" it was on the verge of its statehood being recognized, having the right to veto in the would-be Federation Senate with only ? of the votes, while holding 1/3 of seats - all of that in a "demilitarised" territory with great many guarantees provided by Russian Federation, including those in line with the Treaty signed with the Republic of Moldova. Indeed, such a performance is a huge incentive for Transdnistrian leaders to keep striving for their ultimate goal, i.e. recognition of their independence. For this to happen, even Transdnistrian Constitution was amended so as to allow Igor Smirnov to stay in power until the ultimate goal is fully achieved. Smirnov even issued a statement in this respect claiming that he would leave the position only when the country becomes independent.

In the eyes of many Transdnistrian achievements are largely due to the Moldovan governments' inconsistency, rather than dexterity of separatist leaders. If Republic of Moldova had accepted federalisation and thus made its last concession, then 2002

OSCE plan wouldn't seem like the worst scenario. At least OSCE Plan provided for a classical federalisation model and laid the grounds for a sovereign state. It

acknowledged peoples' sovereignty on the entire soil of the Republic of Moldova; it provided for a single economic, monetary and customs space; it distinguished quite clearly between the prerogatives of the federal centre and its subjects, with the former exercising the most important ones; it left the issue of federation subjects open, thereby not clarifying on the representation method in the upper chamber of the Parliament; and the law enforcement forces were similar to classic federation model.

Having said that, it is not clear why the President went for "Kozak Plan", which: did not clarify to whom "joint state" sovereignty belongs to; left in the competence of the federal centre only citizenship of the "joint state" and meteorology issues, while transferring the main prerogatives either in the joint competence of the centre and subjects or in the exclusive competence of the subjects; legalised the right to secession; provided for demilitarisation of the "joint state"; granted Russian Federation exclusive right to guarantee "Kozak Plan" enforcement, albeit it was involved in the conflict right from the beginning and was openly supporting Tiraspol leaders, who by the way are Russian citizens, etc. Moldovan authorities realized what a trap had been set only on November 23, 2003 when Russian Defence Minister, Sergei Ivanov, made public Russia's plans to deploy a 2,000 peacekeeping squad in Transdnistria until 2020. Ivanov went as far as saying that he had given the relevant orders in this respect once Transdnistrian leaders conditioned accepted of the "Kozak Plan", by Russia's deployment of its military on the soil of Moldova for thirty years.

Ironically, the last OSCE draft agreement issued on February 13, 2004 and developed while "Kozak Plan" had been worked out "behind Europe's back" is favourable to the establishment of a classic federation, especially as it had the deficiencies of the 2002 draft eliminated. Still, the last draft OSCE came up with, should have taken into account the "achievements of the Kozak Plan" in as far as subject's right to secession and demilitarisation of the Republic of Moldova is concerned.

5. Conclusions

Moldovan authorities' teetering in choosing the right solution has resulted in Transdnistrian leaders proposing Chisinau to choose between "Kozak Plan" and their draft Declaration. The move is solely intended to thwart negotiations. Meanwhile, Tiraspol leaders keep talking of the impossibility to reach an agreement with incumbent Moldovan authorities that "lost their credibility" and are guilty of all the worlds' ills. Therefore, on the eve of the parliamentary elections Tiraspol is showing Chisinau the other side of the actions it undertook against Transdnistrian leader when he was running for re-election in 2001. Back then Tiraspol administration was accused of corruption, weapons, drugs and human trafficking, etc in an attempt to sack Smirnov. "Grom" (Thunderstorm) show launched at the National Television was intended specifically to serve as "purifier after a storm" from the "Smirnov criminal regime". In fact, though, "Grom" had the contrary effect to what the presidential decree no. 64-III referred to as "measures aimed at building mutual trust". That is why official media in Transdnistria alleging that there is no alternative to independence, announced it would closely watched on upcoming parliamentary elections in the Republic of Moldova. And that probably in order to denigrate Moldovan authorities and support a pro-transdnistrian political force.

Mediators both from OSCE Mission and Russian Federation, William Hill and Valerii Nesteruskin respectively, also voiced their scepticism regarding breakthrough in settling Transdnistrian conflict prior to spring 2005 parliamentary elections.

Still experience shows that on the eve of elections opposition and ruling parties standing real chances of victory make promises and considerable concessions. Therefore, it may well happen that the state of negotiations would radically change until the elections, this is the more so considering President Voronin's plans to settle the conflict by April 2005. On the other hand, experience also shows that short-sighted electoral stunts have never contributed to the consolidation of Republic of Moldova's sovereignty and territorial integrity. That is exactly why, at least for now, the prospects of Transdnistrian conflict settlement remain quite unclear.

a) State of Moldovan civil society

There are no fields in the social, economic, or political life where Party of Communists wouldn't have claimed a breakthrough throughout its three years stay in power. Recently, in an interview to "Misli" (Thought) newspaper President identified yet another field where his party attained considerable achievements. In his interview President outlined Communists' achievements and went on wondering rhetorically "what other party has initiated a raft of measures that led to the conception of civil society in our country?", thus insinuating that it was yet another merit of the party he was heading.

If we are to take his words literally, then there was no civil society at all before Communists' came to power. If we are to embellish them, then civil society in Moldova is so weak and indiscernible that it is unable to get over its embryo stage. And this despite the fact that 3 years ago, when Communists came to power, there were 2,000 NGOs, dozens of political parties, trade unions and religious organisations registered in Moldova. Now there are more than 3,000 of them.

In fact, there are studies and statistics proving that not only there was a civil society in Moldova before Communists came to power, but it even attained some achievements. Nevertheless, there is evidence to the effect that civil society in Moldova is still weak and undeveloped, especially if compared with Central and Western Europe as described in "Global Civil Society: Dimension of the Nonprofit Sector" published by Johns Hopkins Center for Civil Society Studies in 1999. Its weakness stems from: a) economic migration phenomena that has driven about 1/3 of active population abroad in search for a job; b) low living standards not allowing citizens who stayed to direct their efforts and time towards solving problems and defending their rights by means of civic organizations; c) civic culture is not present; d) numerous discouraging factors for the pursuit of citizen initiatives largely due to incoherent behaviour displayed by political elites, which are unable to identify benchmarks or a mobilising development vector (Moldovan elites are constantly in search of a unifying idea for the Republic of Moldova), etc.

Another largely cited cause of civil society's weakness is NGOs' reliance on foreign grants. NGO's civic activism targeted towards pursuing public benefit was said by some to be corrupted by the accessibility of foreign grants. And this because NGOs leaders are said to gradually morph into NGO bourgeois, whose only concert would be "grand consumption". Interestingly enough, those opinions are equally shared by party media outlets (Communistul newspaper), state-run media (Moldova Suverana) and outlets not affiliated to the ruling party (Democratia) etc. Certainly there is a grain of truth in those opinions, but there is a lot of speculation as well. The thing is that those who are eager to criticize NGOs, have descended from the "grant consumers" themselves.

It would be quite easy to combat those speculations by resorting to previously tested tools, such as transparency and accountability of the non-governmental organizations, assessing the impact of their activities, etc. This equally refers to the governors who also consume grants. Before engaging in criticising NGOs governors may want to comply with some elementary rules themselves. For instance, they may want to inform citizens on the sources of funding for the projects they like celebrating so-much. To cite just, the purchase of tractors for Machinery and Tractors Stations, opening of gas pipelines, etc. Indeed, such measures may not end all the misunderstandings, but at least they may give something to talk about (poate de exclus cu totul).

Lack of consensus among NGO leaders and other organizations as to how they should manifest themselves is an outcome of the civil society's weakness. There were long debates on whether NGOs should take a stance on issues of major importance for the society, or should work solely towards pursuing bylaws goals. The latter stems from a vision of the civil society as a mosaic made up of various elements having different positions and orientations, not striving to react in one voice to the governors' challenges; rather this is being left to competent organisations, specialized in the relevant fields of activity.

As for the manifestation of the NGOs, it doesn't seem to be at issue. Media outlets affiliated to the ruling party, as well as the independent ones, wrote a lot about the emergence of government inspired non-governmental organisations. Recently, a raft of trade unions, journalists and writers organizations emerged, claiming to support governmental policies "consolidating the country's statehood" or fighting "destructive forces". The reunions of the so-called GONG (governmental NGOs) are denigrating other organisations working in the field, whose leaders share other positions than those of the ruling party. As a result, non-governmental organisations are classified into constructive and destructive, citizens classified into patriots and non-patriots, or pro-statehood and anti-statehood, thereby polarizing NGO community.

From this perspective, the President is right when claiming that the party he is heading "has conceived the civil society", only that, to be truly honest, he might want to add "affiliated to the governing". And this despite the Social Pact he had launched back in 2002 and his statements, like "Social Pact is a process of ongoing negotiations with civil society. It will include the main thesis on the relationship between society and power, regardless of the political sympathy..."

Curiously enough, in the summer of 2002 President came up with a draft law on public control over state activity. Parliament passed the draft, whereas the President did not promulgate it. It is not clear whether the draft would have facilitated access to information, which among others opposition is striving to get, especially when it comes to public money, trips made in the sole interest of the Party of Communist on public expense, etc.

b) Social practice - criterion of truth?

To avoid making any ungrounded conclusions one should identify some benchmarks in assessing civil society. For instance one of the well-known researchers in the field, Ralf Dahrendorf, claims that **"Civil society is not a mere association of individuals, but rather of citizens. It is therefore, a product of the civilization, not of nature"**. Some researchers went even further **"normative consensus of its members with regard to social and moral order is a precondition for the existence of civil society"**. That is, to assess the viability of the recently "conceived" Moldovan civil society, one should look whether there are preconditions for its existence.

If we are to consider "social order" provided for in the Republic of Moldova's Constitution, it is in line with European standards on pluralistic democracy. On the other hand, what we have now in Moldova is a ruling party whose program and bylaws stipulate that its goal is to build socialism and communism based on Marxist-Leninist doctrine.

A reasonable question arises then: Is it really possible for a political party striving to "build communism" to abide the constitutional provisions on political pluralism? Is it really possible for a party to "build Communism" during a single four year mandate, and later on allow social-democratic, social-liberal, Christian-Democrat, etc oriented parties to accede to power in free and fair elections letting them to deviate from Communism in the hope that they would come again to power and would resume building communism anew? If it were indeed possible, then a raft of other questions would arise: what would happen to the society teetering from building Communism to building something opposite? Aren't poverty and frustration in our society the outcomes of such a teetering? Is it worth destabilising the situation once again?

Normally, one should look at the Marxist-Leninist theory in order to find a proper answer to those questions, which largely refer to the Communist Party. Under the Marxist-Leninist doctrine, officially embraced by the ruling party of the Republic of Moldova, "social practice is the criterion of truth".

The truth revealed by the "social practice" is that in the countries where Communists had seized the power they never ceded it on their own, rather they installed totalitarian regimes. Undoubtedly, soviet Gulags, Chinese Cultural Revolution, Cambodia's Red Khmer, North Korean ciucihe are elements of the same Communist machinery. The same "social practice" has revealed that poverty stemming from economy's inefficiency was common in all Communist countries until those regimes collapse under the pressure of abuses and crimes against humanity. Indeed, there are some exceptions, however they are yet another testimony to the rule. Communist regimes in China, Vietnam, Cuba, and North Korea after long and onerous experiments being pushed by the realities of the day have been gradually giving up on communist doctrine. Indeed, Communism supporters may well claim those regimes have been reforming in line with "dialectic logic", but this is a different story.

Republic of Moldova is yet another exception that has enriched "social practice" three years ago. In February 2001 for the first time ever in the international "social practice" a Communist Party has been brought to power by free and fair elections. This time though, the exception is another testimony to the rule. The thing is that Communist

leaders announced they were revising party program and bylaws as the two documents stemming from Communist doctrine were no longer meeting the realities of the day, because they had been adopted at the time Communist Party was in opposition. If so, was then the communist rhetoric good only for bringing the party to power?

In fact, watchers of the social-political developments in Moldova know that Party of Communists passed its program on April 21, 2001, at its winner's congress, two months after their landslide victory in parliamentary elections; and not while the party was in opposition as it likes to insinuate. During that Congress Communist leader announced that their victory was the first step towards reviving Communist movement in CIS. The new Communist party program reconfirmed the thesis on the need of rebuilding "federation of sovereign republic", i.e. USSR. It also condemned globalisation as a sign of neo-imperialism and instrument of "American imperialism" - WTO, etc.

Curiously, two months later Communist Party voted in favour of joining WTO. In another two months it declared liberalizing economy its top priority. Later, integration in the EU was declared to be one of Moldova's strategic goals; albeit it ran counter to the party's political program, not to mention its electoral program militating for joining Russia-Belarus Union. Then what **consensus over social order** (either in relations with right or left opposition, or citizens for that matter) are we talking about? Social practice indicates that such behaviour is usually displayed by those who follow the principle: the goal justifies the means, whereas the ultimate goal in this case seems to be staying in power no matter what. Such a goal would never contribute to the consolidation of the society, not to mention civil society.

c) Moral order

The aforesaid brings to light the discrepancy between the party documents and electoral program and the behaviour of the ruling party, both of which undermine the "moral order" as a foundation of the civil society. And this because electoral program is nothing but a "social contract" concluded between a certain political party and its electorate.

What a better occasion to talk "moral order" than Easter, which usually precedes or follows Communist's celebration of V.I. Lenin on April 22.

This year, as was the case last year, public opinion was outraged by the way Communist Party equally celebrated both occasions. Last year, Communist leaders attended the Easter ceremony, the President even received the Holly Fire brought from Jerusalem to pass it on to the people. The same happened this year. This time however President called on his fellow citizens: "Let us unite in the name of this Holly Fire to be together forever". Thus, believers may only wonder about the "moral order" and abiding Lord's preaching: "Give to Caesar what is Caesar's, and to God what is God's" (Mathew 22:21, Luca 20:25). And this the more so as last year (including on the election day held several weeks after Easter), National TV broadcasted several times a movie featuring President Voronin endorsing Communist

candidates in elections with the reporter, Carmelia Albu, disclosing the fact that the President was not a believer.

That's the plain truth... In his capacity as an atheist and leader of the Party of Communists, the President together with his fellow comrades bowed to the Lenin's monument on April 22 reiterating that Lenin's ideals were still guiding ideas albeit they preached atheism and despite the fact that Lenin was the one to order hundreds and thousands of clergy to be killed. Still, President called ordinary citizens and believers to "unite in the name of Holy Fire" brought from the grave of the Lord, who used to say "No one can serve two masters. Either he will hate the one and love the other, or he will be devoted to the one and despise the other. You cannot serve both God and Money" (Mathew 6:24).

Therefore, the evolution of the Moldovan civil society is undermined by the lack on the social and moral order.

Pre-election configuration

Igor Botan, 2 June 2004

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The configuration of the main electoral contestants in the upcoming elections has become quite clear in May. The main parties represented in Parliament, namely Communist Party and Christian-Democratic People's Party already held plenary assembly (the former) and the congress (the second).

At the same time, two political blocs have been established: Citizens' Union "Patria - Rodina" (CUPR) founded by two socialist parties and several informal political organisations declaring themselves in opposition to the Party of Communists; and secondly Democratic Moldova Bloc (DMB) founded by Moldova Noastra Alliance, Democratic Party and Social Liberal Party setting themselves as a centrist force also in opposition to the ruling party.

Social Democratic Party that declined the offer to join DMB has also made public the key points of its political program entitled "Towards a democratic and strong state". Apparently, those five players would set the rules for the 2005 electoral race. The other 12 political parties registered with the Ministry of Justice apparently having a minor weight stand no chances whatsoever in upcoming elections. Therefore, let's consider the five players from the right to the left.

a) Christian-Democratic Peoples' Party

On May 16 the VIIIth party congress was held outdoors on the Great National Assembly square in Chisinau. The unusual location enabled the party to grab public attention as well as to put the blame on the authorities for not allowing a more suitable location for about 2,000 delegates.

Besides changes in the bylaws and election of the party governing bodies of special interest were the congress resolutions and the Proclamation on the party's electoral strategy swearing allegiance to: fighting corruption, economic recovery, restoring country's territorial integrity, ending Republic of Moldova's membership in CIS, and accession to EU and NATO. For each of the aforesaid tasks concrete solutions and recommendations were provided.

Christian-Democrats believe those tasks might be only achieved if Communists were ousted from power in the upcoming elections. The Congress resolution also blames Communist leaders for corruption, undermining state democratic institutions, poor economy and poor welfare system. Noteworthy, the Congress was held amidst Christian-Democrats on-going blocking of the legislature sessions on the grounds they were denied access to Court of Accounts findings on the public funds spending, as well as amidst agile campaign aimed at drawing public attention to murky bargains struck by Communist moguls and their families.

Still, Christian-Democrats believe the next parliamentary ruling coalition would be a transition one, which would have to dispose of Communist ruling aftermath, i.e. "de-communising" that would lay the grounds for full-fledged democratization and economic recovery in the Republic of Moldova.

Moreover, Christian-Democrats made public their intention to "fiercely criticise" DMB, whose founding parties had refused to establish a single opposition anti-communist electoral bloc. BMD leaders are also suspected of surreptitious ties with Tiraspol separatist regime and even of seeking Russian Federation's support in defeating Communists in elections. In addition, Christian-Democrats viewed BMD's refusal to establish a single anti-communist electoral bloc as a clear sign of its intention to rather form a post-election alliance with Communists than with them.

b) Democratic Moldova Bloc (DMB)

Meanwhile on May 18 leaders of Moldova Noastra Alliance, Democratic Party and Social-Liberal Party reconfirmed during a press conference that the bloc announced on May 8 was really established. Its founding declaration reads that DMB's goal is to "put an end to the tendencies pushing the country to the brink of collapse". In this respect DMB set the following tasks: poverty eradication by boosting a functioning market economy; ending moral degradation of the society; building a rule of law state underpinned by consensus and cooperation with civil society; bringing Moldovan legislation in line with European standards; ensuring citizens' access to education and medical services guaranteed by the state; peaceful reintegration of the country by means of democratization, demilitarization and decriminalization of the Transdnistrian region; getting Moldova closer to reaching its strategic objective, i.e. accession to EU; restoring good ties with Romania and Ukraine; establishing mutually beneficial relations with EU, US, and Russia.

From the beginning DMB was quite optimistic with regard to its chances in election and of securing a majority in legislature that would enable it to form the Government. That optimism runs counter to the scepticism among political analysts, who cite long and onerous negotiations on establishing the bloc. In the eyes of many, DMB's main weakness remains to be the heterogeneousness of its constituent parts that results in inconsistent messages on the major problems Moldova is facing and most importantly, distrust among its leaders. This specifically refers to the Democratic Party's refusal to end its post-electoral alliance (after 2003 local elections) with the Communist party in a number of rayon council; different visions on settling Transdnistrian conflict shared by founding parties, as well as on ways of achieving key foreign policy objectives. If things go on like this, many of the bloc's would-be voters would be scared away.

Another DMB's major weakness refers to its positioning on the political spectrum. It represents, so to say a bumper between Christian-Democrats and Communists, two antagonist and irreconcilable parties. At this stage already, DMB is buffeted by criticism both from the right and left, which only fuels the scepticism of many with regard to the capacity of this amorphous and fragile alliance to withstand such a pressure. If it indeed manages to withstand and runs in elections as a united electoral bloc, than its chances would increase significantly. However, in that case also, there

are high chances that the bloc would break apart after elections, even into different formations than the founding ones.

To increase its chances in elections, bloc leaders would have to reach a consensus on certain things. For a start, their minimal goal should be preventing Communist Party from winning a majority in legislature, which opinion polls indicate they could still secure. That would set DMB in a quite advantageous position as neither of the contestants would be able to secure a majority without their participation. That is why, DMB's electoral program should resemble a centre left one and be targeted at the great bulk of electorate sharing moderate views, but who for one reason or another had voted for Communists in the past elections. In fact, this very same thing was suggested to DMB by Christian Democrats. And the way the basic principles were laid down indicates that DMB has been perfectly aware of this.

Finally, to defy criticism from either left or right, DMB may want to send a clear message that it would accept to form a post-electoral coalition with the party that was the least aggressive towards it during the electoral campaign. Christian-Democrats were jolted into realising it as its leaders after making clear that they would harshly criticize BMD, went back to calls for co-operation and refraining from forming a post-election alliance with Communists. On the other hand, state-run media affiliated to the Communist Party continue the "flak" against BMD, arguing that the recent opinion polls point to Communists' landslide victory in upcoming elections. In fact, official propaganda would find it quite difficult to restructure its aggressive stance towards BMD once it happily revealed that prosecution recently completed a raft of investigations against BMD leaders.

c) Social Democratic Party (SDP)

During a press conference on May 18 SDP announced its National Council's decision to launch three initiatives: on society consolidation; state organization; and conception of the new social-economic policy. SDP intends to initiate public debates on those initiatives that would become official party documents at the IX party congress due in November. Out of the three initiatives only the one, on state organization, was made public. It envisages a wide scale modification of the Constitution so as to ensure society control over state power. The gist of the initiative is to introduce new eligible positions in the local public administration and judiciary, change the electoral system and procedure of electing the President, ensure transparency of public spending, etc. As usual, SDP initiatives are quite interesting, however it remains to be seen in how far voters would understand and endorse them by casting their ballot.

Since the first parliamentary elections in 1994 SDP has had about 3% in all the elections. In the last two parliamentary elections SDP preferred to run on its own, which is likely to be the case in next parliamentary elections. If the Social Democrats manage to assess electorate's feedback to their initiatives, then it is not excluded they may want to join one of the parties standing real chances of being represented in the legislature. This refers specifically to DMB. Undoubtedly, both parties would benefit of such a move, the gains being directly proportional to the formations' rating.

d) Party of Communists

So far, Communists stand high chances of a landslide victory in the forthcoming elections. An illustration to this are the recent opinion polls. Strong Communists' rating stems from two factors: President Voronin's charisma and the party name, which is still associated by great many with social-oriented policies targeted at vulnerable strata of the society.

Moreover, being in power Communists have a wide range of administrative resources to choose from in order to keep their positions. This refers specifically to access to funds directly, or disguised as charitable initiatives supported by businessmen that "do not want troubles with state bodies". That is why more and more often state-run media features Communist moguls together with businessmen on charity missions, etc. Total control over state-run written and electronic media having a nation-wide or partial coverage, which most of the time praises Communists and denigrates its political foes, has so far proved to be decisive in propelling Communists' high rating. The experience of partial local elections and regional ones in Gagauz-Yeri showed far too well how "power vertical" jolts state institutions and local public administration into serving the interests of the Party of Communists. Moreover, the latter secured control over much of the trade unions and the so-called GONG (NGOs inspired and controlled by the government) by means of which they may efficiently shape electorate's preferences.

Still there are several factors pointing to the effect that Communists' victory should not be taken for granted. First of all, opinion polls signal a constant decrease in confidence to the President Voronin from 45% in March 2002, to 29% in May 2004. Secondly, Communists' rating and that of the opposition parties in May 2004 are practically identical to those of May 2003 on the eve of the local elections. This alone enables us to identify a certain "correction factor" so as to assess the real rating of the electoral contestants. In this respect, it is still questionable whether Communists would secure a landslide victory in the forthcoming elections, given that in the past local elections they scored below 50%. Thirdly, Communists' abuses in employing "administrative resources" during regional elections in Gagauz-Yeri as well as during last year local elections have drawn international organizations' attention to the electoral process in Moldova, which in its turn emboldened opposition parties to start fighting against those administrative resources right now. In this respect, Christian-Democrats came up with a raft of amendments aimed at decreasing state control over media outlets, and judiciary, etc. If Communist moguls objected level playing field for all electoral contestants, then most definitely they would face increasing pressure both at home and from abroad. For now, it's not clear what would be the likely outcome of such a pressure, but most certainly it wouldn't be favourable to the Party of Communists. Having said that, in the eyes of some opposition members Party of Communists reached its heyday and the only thing left is for it to roll back where it started! This alone should be a quite encouraging thing for opposition.

Within the party, the situation does not look too ideal as well and this because of teetering policies promoted by the President, going against the party program and bylaws. On May 15 the Party of Communists convened on a plenary sessions and decided to hold its V-th Congress on December 11 this year. The party bylaws and its program are to be revised during the congress. Interestingly, the Congress was

scheduled on the eve of winter holidays, when the political life is standstill for almost one month and a half. Most likely, end of winter holidays would coincide with launching of the electoral campaign. Therefore, adjourning the congress for December may be only explained by Communist leaders' wish to soften somehow the effects of party documents' amendment. The thing is that orthodox Communists unhappy with the would-be amendment of the party program and bylaws would be confronted with the fait accompli, without actually having time to regroup for an electoral counteroffensive.

Evidence to the fact that those suppositions are really grounded is the stance of some Communist moguls towards eclectic post-modern policies promoted by President Voronin, which are said to be inspired by his advisor Mark Tkaciuc. Thus, one of the orthodox ideologists of the Communist Party Ivan Grec published a number of articles in official press on the one hand praising the President and showing off his loyalty; and on the other pointing to the fact that the economic and foreign policies promoted by the President were faulty. On top of that, Communist ideologist started justifying the party's failures, which per se is indicative of the congress' likely leitmotif. Another illustration is the stance of the leader of the Communist faction in the Chisinau Municipal Council, Valerii Garev, who recently stated that any amendment to the party program or bylaws should not impair the party's ultimate goal - building Communism. All of this reveals Party of Communists' ideological disorientation, which is exactly what any party striving to keep "Communist party" label should avoid. The internal cocktail of opinions has enough explosive ingredients to have serious repercussions on each of the electoral contestants.

e) Citizens' Union "Patria - Rodina" (Motherland) (CUPR)

Once launched CUPR positioned itself in left opposition to the Party of Communists, which was blamed for betraying left wing Communist ideals. The Steering Committee of the party issued a declaration on May 21 "clarifying its position", namely: CUPR is a left wing party, but not of social-democratic orientation (which only disguises a purely capitalist gist); univocally and radically anti-Western; of pro-Eastern (Russian) orientation. At the same time CUPR leaders did not exclude any post-election cooperation with centrist parties, but only with those that anti-Communist.

For now, CUPR's chances are quiet slim, however it is believed it might steal several percentages from Communists' electorate. CUPR's weaknesses are quite obvious: amorphous structure made up of two socialist parties each having less than 1% rating and several informal radical left groups; lack of credible and well-known leader; lack of financial resources and access to nation-wide media. CUPR leaders are well aware of those shortcomings, still they hope to address them prior to elections.

For a start, to gain grounds CUPR capitalizes on the promises made by the Party of Communists but never achieved, such as: getting on good terms with Transdnistria and settling the conflict by establishing a federative "joint state"; Republic of Moldova's integration in the Eurasian area, more specifically in the Single Economic Area set by Russia, Belarus, Kazakhstan and Ukraine. Secondly, to address the lack of a strong leader, Komersant Plus newspaper came up with Grigore Maracuta candidacy, who is the Speaker of the self-proclaimed, secessionist Moldovan Dniestrian

Republic's Parliament. If so, then Maracuta would follow the example of the former separatist leader of Ajara, Aslan Abashidze, who topped the candidate lists of the Revival Party and helped it gain seats in Parliament, but never attended any of its sessions.

This scenario should not be taken seriously, especially knowing how Abashidze ended. Still, Kommersant Plus suggestion coincided with Maracuta's quite strange initiatives, namely to raise the status of "Moldovan language" in Transdnistria, which dispels the myth of linguistic harmony in the region. Further, a raft of articles followed in the Transdnistrian official press claiming that the regions' elite had a special interest in the forthcoming polls in Moldovan legislature. Moreover, recently the Minister of Foreign Affairs of the secessionist region indicated they had clear signs that nobody would ever recognize Transdnistria's independence and therefore building a "joint state" with Republic of Moldova was the only possible solution. The latter was probably meant to justify Transdnistrian interest to interfere in the upcoming parliamentary electoral race in the Republic of Moldova.

Indeed, if Transdnistrian leaders choose to seriously influence election results in the Republic of Moldova, they would do so by means of CUPR, which in turn would stand greater chances in elections. This could be done by means of financial and informational support, opening up polling stations in Transdnistria, etc. If so, then support from certain political forces in Russian Federation is also to be expected. However, past experience shows that these scenarios are very unlikely and are more of a source for speculations against the ruling party.

Supreme Security Council

11 June 2004

On May 24 the President signed the Decree on the setting up the Supreme Security Council (SSC). In the eyes of opposition the new SSC membership is more of a "politburo", or rather a "petty government" of the President intended to substitute the Cabinet of Ministers and serve "towards fulfilling dictatorial ambitions of usurping the state power". Opposition also expects SSC to serve as the headquarters of the ruling party electoral staff and is to bring a landslide victory for the ruling party in the forthcoming parliamentary elections of 2005.

As usual opposition is quite harsh, however the last allegation related to the pre-electoral undercurrent of the President's move seems to have some grounds, especially given the previous experience of SSC reshuffles. The thing is that former presidents had their interest in the SSC, the more so, several months after elections and taking the oath and respectively on the eve of elections. It is normal, for the presidents to revise SSC membership once they are elected and validated in function, however it raises some eyebrows when they do so on the eve of elections or other events aimed to consolidate their power.

That was the case of President Mircea Snegur, who three months prior to presidential elections of December 1991 issued a decree setting up SSC. In 1993, when it was clear that the Parliament would be dissolved and early elections would be called, President Snegur issued a new decree on SSC calling to preserve socio-political stability in the country.

In his turn, several months after taking the oath in January 1997 President Lucinski issued a new Decree on setting up SSC. His Decree was in line with the Law on State Security passed in 1995, in particular Article 12 "SSC is a consultative body analyzing the activity of ministries and departments in ensuring national security and it submits recommendations to the President". The same Article reads "SSC membership (number and persons), its prerogatives and action plan are approved by the President of the Republic of Moldova", who is the SSC Chairperson. President Lucinshi did not change the structure, however he did change its membership 7 times upon reshuffles in Government. What is striking is that the aforesaid changes coincided with President's initiatives to amend the Constitution so as to turn the country into a presidential republic. Not less striking is President Lucinshi's initiated replacement of the head of Information and Security Service, also member of the SSC, several months prior to Constitution modification and presidential elections scheduled for fall 2000.

The relationship between elections and changes to SSC is also relevant in the case of President Voronin. He also issued a decree setting up SSC half a year after taking the oath, while now half a year prior to electoral campaign he has issued yet another Decree in this respect. Subjectively speaking, one may say the three Presidents believed that state security was staked on their reelection. However experience shows that so far no President was reelected, whereas successors blamed their predecessors of undermining state security.

Objectively speaking, firstly the decree issued by President Voronin is in line with the Law on State Security passed back in 1995. New membership includes functions, included in the previous SSC at the time of President Mircea Snegur and Petru Lucinschi. Neither should Parliament Speaker, chairs of Parliament Commissions, Ministers or Department as SSC members come as a surprise. However, for the first time ever the Council includes Prosecutor General, Minister of Economy, National Bank Governor, Chief of Center for Fighting Economic Crime and Corruption and Governor of Gagauz-Yeri Autonomy, which is a sign of how the new challenges to state security are perceived.

The problem is that while President Voronin is busy doing charity, raising monuments, traveling on the pioneers' paths - actions intended to facelift his new electoral image, the situation in the country gets worse and worse. Citizens learned from President himself that there is foresters' Mafia as well as a Bread Mafia in the country, etc. Suddenly Prosecutors started appealing to the President by means of open letters. Minister of Economy offers interviews on dire economic straits in the country and thus steals the best tunes from opposition. Ministry of Finance and National Bank do not know how to handle the huge foreign currency flow wired by Moldovan citizens working abroad. Appreciation of national currency boosts imports thereby ruining domestic producers and exporters alike. Working citizens continue to flee the country. Federalization of the country according to the proposed models might produce effects hard to imagine. Indeed, all the aforesaid undermines state security and it is therefore clear why the aforesaid dignitaries were recruited into SSC.

Moreover, dysfunction between the branches of power came to the limelight. President refused to promulgate the Law on Off-shore Tax developed by the Government. Leaders of the ruling party criticize Government's initiative to issue new car registration certificates, for fear that the move would scare away hundreds of thousands of drivers, i.e. voters. President had to answer in public why the ruling party cannot halt the price hike on food and fuel, as his party did promise in the previous elections.

Under those circumstances, President probably felt the need to better coordinate the activity of key state institutions, therefore it may well happen that SSC would become a kind of headquarters of the ruling party's electoral staff. This is the more so given that last year OSCE report pointed to the massive interference of the law enforcement forces (police, Information and Security Service, Prosecution) in the electoral campaign by intimidating opposition and favoring ruling party candidates. In this respect, state-run media every now and then reminds citizens that leaders of main opposition parties are under investigation; which is yet another action to be coordinated. Things wouldn't look so gloomy if there were mechanisms of public control over state institutions put in place. In 2002 President Voronin came up with a draft law in this respect, it was even voted by Parliament, however later on the President changed his mind on promoting his own initiative.

1. Public vs. state-run media

There is a clear distinction in the Republic of Moldova, at least in the legal framework, between public versus state-run media. Things are quite different in audio-visual and printed media. And this because audiovisual plays a far more important role in informing public opinion than the written press, which has placed it in the center of domestic public opinion's and international organizations' attention.. Therefore, in 1994 Council of Europe recommended the New Independent States to turn radio and television into public broadcasters. Moldovan governors at that time complied with the said recommendations at least in formality. Parliament passed the Law on Audiovisual (no. 603-XIII of 03.10.95) Article 7(1) providing that "Teleradio-Moldova State Company is a public audiovisual institution which may not be privatized".

Article 1 of the Law on Audiovisual defines the notion of "public audio-visual as institution established on state capital or with the state as the major shareholder and other public or private capital, that is independent in its editorial activity and is covering the interests of all social strata" and "private audio-visual institution as institution established solely on private capital or majority private capital, covering the interests of one person or a group of persons". Therefore, one may conclude that in Moldova state-run broadcaster may not exist in principle.

Still, nothing changed with the adoption of the new Law no. 1320-XV on Teleradio-Moldova National Public Institution of Audiovisual on 26.07.2002. Although supposedly both state radio and TV should have become "public broadcasters" back in 1995, in reality, though, with some minor exceptions they served parties in power.

As for the printed media, things are totally different here. International organizations have not wielded heavy pressure on Moldovan governors to turn state-ran newspapers into public ones. This does not mean that the issue is off the agenda. As a rule, parties or personalities in power advocate for the state-run media. They are supported by journalists working in those media outlets. On the other hand, opposition parties plead for shutting down the press services of the public institutions, on the grounds they serve as propaganda instruments in the hands of ruling party and feed on public money.

In this respect it is worth considering the evolution of "Moldova Suverana" (Sovereign Moldova) or "Nezavisimaia Moldova" (Independent Moldova) newspapers founded by Government. Half a year prior to the declaration of independence of the Republic of Moldova, the Law on Publishing and Enforcement of the Laws of the Soviet Socialist Republic of Moldova was passed (no.497 of 15.02.1991) providing that the laws passed by the Supreme Soviet (Parliament) are enforced once published in the "Sfatul Tarii" and "Moldova Suverana" newspapers in Moldovan and Russian. On 2.09.91 Parliament Presidium decided (Resolution no.

699-XII) to found "Nezavisimaia Moldova" published in Russian. Via Resolution no. 739-XII of 09.10.91 on the temporary status of publications, Parliament decided the Editor-in-chief to be appointed by the Parliament, the cost of the publication to be covered from the state budget, while the publication was to: objectively cover on political, economic, social life, events in the country and abroad, Parliament, Presidency and Government activity.

Later on, under Government Resolution no.18 of 17.01.1992 decisions of the Government were to be published in Romanian and Russian in the "Parliament Monitor", "Moldova Suverana" and "Nezavisimaia Moldova". At that time there were enough reasons for keeping state-run newspapers, given that "Supreme Soviet Monitor" was published only once a month, while some legal acts required immediate enforcement.

Further evolution of the state-run media is not less interesting. On 01.04.1994 the Resolution no.31-XIII excluded "Sfatul Tarii" and "Nezavisimaia Moldova" newspapers from the Parliament subordination, while Government was entrusted to outline principle of their activity. Therefore, Government passed two resolutions (no. 305 of 17.05.1994 and no.372 of 1.06.1994) establishing Government press bodies "Moldova Suverana" and "Nezavisimaia Moldova" respectively. The regulations were in force until the adoption of the Law on Press (no.234-XIII of 26.10.94), according to which Government passed another two resolutions (no.365 of 5.06.95 and no.390 of 9.06.95) adopting the new Regulations of "Moldova Suverana" and "Nezavisimaia Moldova", which are still in force. Those new Regulations did not oblige the two state newspapers to publish normative acts, as at that time "Monitorul Oficial" took over this function. Therefore the very "raison d'être" of the state-media has vanished. Nevertheless it is still very much alive.

It is worth shedding some light on the 1994 resolution transferring the two newspapers from Parliament into Government subordination. The only explanation to this is the Agrarian Democratic Party landslide victory in the parliamentary elections of February 28, 1994. Moreover, Prime-Minister and Parliament Speaker ran on the Agrarian party list, which was also backed up by the President. They probably figured out that the aforesaid newspapers would serve their interests anyway. Back then they could not even imagine that in a year or two, the three of them would become political foes and would fiercely compete against each other in the 1996 presidential race.

The editorial independence granted by the Law on Press prohibiting any "interference in editorial activity" and guaranteeing "accurate information" amidst "political pluralism", etc wiped off any difference between state-run and public media, except for appointing their leadership. Both state-run and private media have to follow the same principles of accurate, objective and unbiased information of citizens, thereby halting any attempt to turn them into propaganda tools in the hands of authorities, which hand them public money. Sadly enough, this has not been the case of "public" audio-visual, nor of state-run printed media, which is quite obvious during election campaigns.

2. State media in elections

Heavy bias in electoral campaign has brought to light various aspects of state-run media. The most convincing evidences to this effect are the official documents. Since the first multi-party elections in 1994 there have been numerous references to the violations of the regulations on election coverage in favor of the ruling party both in OSCE reports and CEC documents. This holds true both for written press and Teleradio-Moldova.

Yet another evidence is that whenever a conflict arose between state moguls, as was the case throughout 1995 - 2000, some of the state-run media was taking sides.

a) **1996 presidential election campaign.** November Presidential elections were quite illustrative in this sense. Back then state TV and "Nezavisimaia Moldova" was biased in favor of Parliament Chair Petru Lucinschi, who ultimately won the elections; whereas "Moldova Suverana" was biased in favor of Prime-Minister Andrei Sangheli; fact confirmed in the OSCE report. Let us consider some of the details that may shed some light. In 1996 CEC invited editors of state-run media and Director of the National TV to one of its sessions to draw their attention to violations of the regulations on election coverage and their heavy bias. The funny thing is that "Moldova Suverana" Editor-in-chief was quite annoyed by the fact that party media outlets were allowed to be biased in favor of their candidates, whereas state-run media was denied the right to do so for its candidate, i.e. Prime-Minister. He pretended not to realize that Prime Minister Andrei Sangheli was running as Agrarian party candidate and not as Government candidate.

Not less curious was the case of "Nezavisimaia Moldova". Back then a group of experts from Dusseldorf Media Institute visited Moldova on a monitoring mission and produced a report on the heavy bias of the state-run media, including "Nezavisimaia Moldova" favoring Parliament Chair Petru Lucinschi. In his editorial, Editor-in-chief of the latter refuted all the allegations of bias and blamed international experts of lack of professionalism. However in a couple of days his cynicism triumphed, when in another editorial on December 2, 1996 he was congratulating supporters of the winner and himself personally for contributing to Petru Lucinschi's victory in elections. He cited letters from supporters claiming that the newspaper campaigning accounted for 95% of the victory. Humbly the editor estimated his contribution at a mere 4-5%, precisely what made the difference between the winner and the loser.

Yet another curiosity of the 1996 campaign was the Director of National Radio who was congratulated by all the electoral contestants for the dignity and impartiality showed by his institution, for which he paid dearly by his position. He was probably punished by the winners for not following the example of "Nezavisimaia Moldova".

b) **1998 parliamentary election campaign.** After 1996 elections state-run newspapers were propagandizing in favor of Petru Lucinschi who became a President in 1996. As a result both Teleradio-Moldova and state newspapers were mentioned in OSCE report as being biased and favoring "For a Democratic and Prosperous Moldova Bloc", openly supported by President Lucinschi during 1998 parliamentary campaign.

c) **1999 local election campaign.** OSCE did not monitor 1999 local elections, however the Congress of Local and Regional Powers of the Council of Europe did. In 1999 "Teleradio-Moldova" was extremely biased favoring Chisinau Mayor, who at that time was supported by President Lucinschi, as well as by Alliance for Democracy and Reforms holding a majority in Parliament. Throughout the campaign Serafim Ureachean was featured in the news practically every night, inaugurating a petrol station or a portion of a road, doing charity, or scolding his employees for their poor performance.

d) **2001 parliamentary election campaign.** Curiously, it was for the first time that OSCE report on election monitoring had no objections to state-run TV and Radio, however it did point that written press was biased in favor of "Braghis Alliance", headed by the Prime-Minister at that time. Most importantly, Party of Communists won elections at the time TV and Radio were raising no concerns. Normally, Party of Communists would have wanted to keep or even improve that state of affairs.

e) **2003 local election campaign.** On the contrary, once acceding to power Communists took control over audiovisual and printed media, which has drawn the attention of European institutions. The issue was on the PACE agenda that considered in particular the evolution of the public broadcasting in the country. Referring to Moldova, PACE rapporteur stated that amendment of the Law on Public Television twice throughout 2003 brought no changes for the better. An evidence to that was the strike committee set at the television, people being unsatisfied with the selection of Observers' Council and company leadership, censorship, investigations against journalists who took part in protest rallies, etc.

Of more relevance is the 2003 OSCE election observation report reading "presentation of distorted data by state-run media, which was heavily biased" throughout the electoral campaign. Moreover, there was a note to the report entitled "Negative trend observed during Moldova's local elections must be reversed", signed by the ODIHR Deputy Director Steven Wagenseil. The OSCE report specifically cited the so-called analytical programs "Argumente" and "Rezonans". Each of the two 45 minutes programs was broadcast weekly throughout the two months of the campaign and was heavily biased in favor of the ruling party and denigrated its political foe, Mayor Ureachean received 81% of negative coverage.

According to Article 37(2) of the Law on Audiovisual and electoral law, CEC together with Audiovisual Coordinating Council (ACC) developed the Concept and Regulation on election coverage (CEC resolution no. 2103, respectively no. 2104 of 4.04.2003). Regulation and electoral law provided that public broadcasters should cover elections by observing the principles of objectivity, impartiality and equal chances to electoral contestants. Article 10 of the Regulation specifically stipulated that "Election related programs, regardless of the time of broadcast, shall be differentiated by a signal to separate them from other shows". One of curiosities of the campaign was the CEC resolution no. 2131 of 18.04.2003 a follow-up to an appeal submitted by an electoral contestant regarding the abuses of the state TV, citing an explanatory note by the ACC reading "the author of "Rezonans" show made a presentation of the electoral bloc by using a metaphor. "Rezonans" program is produced by the "Mir" office in the Republic of Moldova and is broadcast by TVM 1 on a contractual basis". First of all, ACC did find that the relevant program was

election related, and therefore it should have been broadcast under the "Election" heading in line with Article 7 of the ACC's own Regulation. However, ACC failed to notice that in fact all the "Rezonans" and "Argumente" programs were election related and biased in favor of the ruling party by denigrating its political foes. It was ACC duty to react when it came across the violations of its Regulation and Law on Teleradio-Moldova Company, specifically Article 2 (providing for accurate, comprehensive and impartial coverage of elections by observing the interests of all the parties).

ACC acted as if the provisions of letter g) of Article 4 of the Law on "Teleradio-Moldova" Company (providing company's right to negotiate and sign contracts with other domestic or foreign TV and Radio stations) were an exception from the general rule of impartiality in producing programs. If so, then it is perfect loophole for promoting certain interests. Lets' say that in order to brainwash public opinion those who are in control of Teleradio-Moldova go and sign a contract with any studio that would produce dozens of programs without bothering to be impartial and unbiased as provided by the law. In fact, "Argumente" did the same, albeit it was the product of Teleradio-Moldova. As a result, in the last elections, Communists enjoyed at least 15 hours additional free air-time for propaganda and denigration of its foes. ACC failed also to notice that the leader of the Association for the Consumer Rights' Protection, who was not a candidate, was allowed by the public broadcaster to invite the counter candidate of the Communist representative to the debates. Thus, on the eve of elections a 1.5 hours show denigrating an electoral contestant was broadcast twice and this without "Election" bearing. Even if much of what he did say was true, the way those facts were presented was a pure manipulation. It would have been normal for the debates to be held between the candidates. Thus, in 2003 Serafim Urechean had a chance to see the other side of the medal, different from the abusive support he enjoyed in 1999 elections.

Of special interest is the ACC's adherence to principles once electoral campaign was over, when it suspended the license of municipal TV and Radio, which according to OSCE report also violated electoral laws during 2003 elections, on the grounds of irregularities found in their statutes. Municipal stations' abuses - bias in favor of incumbent Chisinau Mayor Serafim Urechean - had paltry against the aforesaid ones, given the fewer air time and smaller coverage. One may perfectly understand that what they did was a mere response to Teleradio-Moldova's abuse, still it is not an excuse for what they did.

Still, according to OSCE and Council of Europe the disorders found in the two municipal stations' documents after elections, were not enough grounds for suspending their licenses for two months. What is striking is that in this case ACC did follow on the violations found, in contrast to electoral campaign when it did not follow on the violations by Teleradio-Moldova pointed by OSCE, which it had chosen to neglect. Clearly, selective adherence to principles in fact stands for the lack thereof. Otherwise, ACC should have become the main promoter of the document produced by OSCE and Council of Europe "Benchmarks for the operation of public broadcasters in Moldova", inspired from the experience of similar institutions in Europe and America. But this did not happen yet.

f) expectations for 2005 parliamentary election campaign. All the aforesaid reveals the morale wavers of the state-run media. It also shows that it didn't evolve much throughout the years and paints a less robust picture for 2005 elections.

Moreover, the breaking news of the day is that on June 4 at the meeting with local public administration (rayon) leadership and rayon media the President entrusted the rayon chiefs to tutor the newspapers founded by local government, to help them procure modern equipment, to decrease the rent, etc. President was aware that the move might be a "violation of the free competition". Apparently, the goal now is to also recruit and arm local media for it to serve the interests of the ruling party.

3. Aftermath of state media

If a foreigner was to regularly read Moldovan state-run media, than he would probably conclude that Moldovan governors are unfailing. They enjoy extremely positive media coverage, they are portrayed as brave, ingenious, and as fighters for the public good. No deviation from this scenario is to be found in state media, no criticism or debates on the governors' initiatives, like what happened to the Social Pact, Permanent Round Table, Presidential Decree on settling Transdnistrian conflict, etc - things mentioned by the President in his initiative to establish a Stability and Security Pact for the Republic of Moldova under international guarantees.

If the media coverage is so celebratory, one might rightly wonder: why than Republic of Moldova is the poorest country in Europe? The answer may be found in the same state media - it is the fault of the ruling party's foes. The latter are featured as malevolent and extremist who thwart all the good initiatives of the ruling party. Predecessors of the incumbent party enjoy similar media coverage, although at the times they were in power, state media was hailing and not denigrating them. The reasonable conclusion is that state-media has been lying then or it is lying now. This way or another, it is in its blood to tell untruth and there are no guarantees that it would stop doing it in the future.

In fact governors are to be blamed for the split and polarization of the society. Governors give the orders to personalize politics, i.e. all the good things come from the unfailing leaders who know exactly what is good and what is wrong and who give precious orders on what is to be done. It is a wide-spread phenomena not only in Moldova. It was described in the article "Amputated Democracy" of the famous researcher and Dean of the London School of Economics, Ralf Dahrendorf, republished in "Der Standart" ("Die amputierte Demokratie") (27.10.2002). The aftermath of such a behavior showed by the governors is that non-governmental media is forced to become an opposition one.

For example, if a foreigner was to read Moldovan independent press he would probably conclude that the only thing Moldovan authorities do is make mistakes and abuses, which of course is an exaggeration. When asked what authorities did well, journalists of independent media outlets usually answer that state-run media overly exaggerates the merits of the governors, consequently the only thing left is to exaggerate their shortcomings so as to strike a balance. This is yet another example as to how state-run media triggers counteractions and pushes independent media into

opposition, which in the end is accused of bias and favoring opposition parties. And this is the main reason why Moldovan society is split.

One holds no illusions that once state media is turned into a public broadcaster or the legal framework is improved, state media would have no room for manipulating public opinion. Still, we may only hope that one day we would reach the condition another famous researcher Umberto Eco is complaining in his article "Duke's Eye" "El Pais" (26.01.2004) outlining the mechanisms of manipulating public opinion by means of mass media. Eco concludes that if a dictatorship is possible at all nowadays, then it has to be an informational dictatorship. To at least try to prevent this phenomena the most educated citizens have inevitably to be in opposition to the governors, i.e. trying to get society immune to any kind of manipulation. The example cited is the Italian Prime-Minister's media holding, which apparently complies with the requirements on partial coverage, presenting both "for" and "against" arguments, however the position of the boss is always presented in the end and in such a manner that information recipient ends with opinions favorable to the media mogul. We could only dream to reach such subtleness in Moldova. Here public opinion is shamelessly manipulated in the open.

So far, a solution to creating the minimal conditions for informing the citizens in compliance with the law, would be to enforce the principles aforesaid outlined by OSCE and Council of Europe and oversee their enforcement. These principles should apply both to audio-visual and state-run written press, indeed by taking into account its specifics.

When would elections be held?

Igor Botan, 30 June 2004

*Democracy and governing in Moldova
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1. Setting the date of elections

Recently amendments to the Law on the Procedure of Electing the President of the Republic of Moldova were operated, under which "The Parliament of the same legislature gets to elect the President only once, except for cases of vacancy of the position". In fact it was opposition who came up with the idea of having the amendments, however the Communist Party preferred to vote its own amendments claiming that these would "calm down the opposition".

The problem stemmed from the fact that future Parliament was to be elected between 26 February - 26 May, while the President between 22 February - 7 April, 2005. Once the amendments were operated and entered into force, and actually will be respected together with the constitutional provisions, Parliament elections would as usual be held on a Sunday in the time period between February 27 and March 13, 2005 the latest. And this because sufficient time should be left for the tabulation of election results and their validation by the Constitutional Court, which might take up to 2 weeks, especially given numerous appeals that are to be settled prior to the validation of the mandates of the newly elected deputies. Later, in compliance with Article 63(2) of the Constitution, the President convenes the Parliament of the new legislature that is to elect its own governing bodies and only after that the special Commission for the election of the President is formed. All of these should be completed by the deadline set for electing the President, i.e. no latter than April 7, 2005.

To ensure the compliance with the terms provided by the law for hosting elections, the Parliament should announce the day of parliamentary elections no latter than December this year, before the closing of the autumn-winter sessions, as under the electoral law election date is to be set at least 60 days prior to the election day, while the next session of the Parliament (in line with Constitution) starts only in February. It may well happen that a special session of the Parliament would be called after winter holidays only to set the election day, as provided by the Article 76 of the Electoral Code.

2. The impact of the consecutive parliamentary and presidential elections

Consecutiveness of parliamentary and presidential elections might have a decisive role in the elections outcomes. Thus, if Presidential elections were to be held before parliamentary ones, then re-election of the President in office for another term would raise some eyebrows, people would rightly wonder whether it is appropriate for the President after being re-elected to run also in parliamentary elections by heading the party list in order to help it to win. It seems to be obvious that if President Voronin would not participate in the parliamentary elections it might in the end have a negative effect on the total number of votes cast in favour of the Communist Party.

That is why amendment of the Law on the Procedure of Electing the President does not run counter to the Communist Party interests. On the other hand, the same problems exist even if parliamentary elections are held before the presidential ones, as it is not clear if the chief of the state may run for another position, especially MP, without having to resign from the position he is holding. It is this misunderstanding that triggered debates in the opposition press alleging that the Chief of state might resign on the eve of the parliamentary elections so as to get re-elected by the incumbent legislature (without even violating the legal framework) or in order to head the Communist party's list and then be re-elected as a President.

Noteworthy, the amendments drafted by the Communist faction and voted by the Parliament, although are very much welcomed, leave wide berth for manoeuvres both in terms of setting the day of presidential elections as well as in consecutiveness of conducting parliamentary and presidential elections. On the other hand opposition draft proposing to validate Presidential elections via an organic law would exclude any such opportunity. The thing is that if the majority Communist faction really wants it may argue at any time that constitutional provisions on conducting parliamentary elections within 3 months of the expiration of the legislative body's mandate prevail over the limitations imposed by the Law on the Election of the President.

3. Suggestions for Constitutional Court

Government affiliated media claimed recently that Chisinau mayor, Serafim Urechean, singled out as the main political foe of President Voronin, lied the citizens when he ran for the Chisinau mayoralty knowing that he would later on run for the Parliament as a leader of an opposition party. The problem is that the situation is very much similar in the case of President Voronin. On the one hand he represents the state, and on the other hand he is the leader of Communist Party whose candidates' list he would probably want to head in the upcoming parliamentary elections.

Having said that it would be rather interesting to have a closer look at the incompatibility issue. For instance Chisinau office of the State Chancellery recently appealed in the Court of Appeal the legality of one of the decisions of the Chisinau Municipal Council on appointing pretors designated by Mayor Urechean, on the grounds some of the councillors were holding at the time the decision was passed, positions incompatible with that of the councillors, namely they were pretors and actually voted for their own re-election. Court of Appeal rightly ruled in favour of the State Chancellery viewing as illegal the election of pretors, with Supreme Court of Justice also confirming the ruling.

The decision of the Supreme Court is of special interest especially if viewed from the perspective of the constitutional principle on the uniformly applying the law, meaning that President Voronin's eventual participation in parliamentary elections on the top of his party list might raise some problems. Article 81 of the Constitution states: "position of the President of the Republic of Moldova is incompatible with exercising any other paid work". MP position is a paid job. If Vladimir Voronin ran on the Communist Party list and kept the Presidential seat, then once elected in Parliament he would no longer be able to exercise his constitutional prerogative of the chief of state and thus wouldn't be able to convene the new legislature of the Parliament as the

Constitution requests. If President Voronin would renounce to his MP mandate in order to be able to convene the new legislature the risk is however that the Communist Party would not win enough seats in Parliament to elect the President, thus Voronin might end up with no parliament nor presidential seat.

If President Voronin would choose to resign before the parliamentary elections than this plan would have to envisage "sacrificing" the eventual mandates of Parliament Speaker or Prime-Minister, which according to the constitutional provisions are interims of the President. In fact, mass media's scenario that the President would resign on the eve of elections so as to head Communist Party list is very unlikely. From a political point of view, the move might impair the Communist Party image.

Thus the recent decision of the Supreme Court of Justice may serve at least as a suggestion for deputies to address the Constitutional Court in order to clarify whether the chief of the state may run for another position while he is exercising his mandate. At the beginning of Vladimir Voronin's presidential mandate the Constitutional Court refused on various grounds to provide a clear answer to the question raised by the opposition on whether a President may also be a party member. If President Voronin would indeed head the Communist Party list, then Constitutional Court would find it quite difficult to avoid responding to the question if it is asked.

What happens after ECHR' ruling?

Igor Botan, 14 July 2004

*Democracy and governing in Moldova
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a) Content of ECHR's judgement

On July 8, European Court for Human Rights (ECHR) ruled on the "case of Ilascu and others v. Moldova and Russia"¹. ECHR ruled that Russia and Moldova are guilty of violating provisions of the European Convention on Human Rights, in particular the right to freedom and prohibition of torture and inhuman or degrading treatment or punishment.

ECHR argued that "the only legitimate government of the Republic of Moldova under international law, did not exercise authority over part of its territory, namely that part which was under the effective control of the "MRT" (Moldovan Republic of Transdnistria). However, even in the absence of effective control over the Transdnistrian region, Moldova still had a positive obligation under Article 1 of the Convention to take the measures that it was in its power to take and were in accordance with international law to secure to the applicants the rights guaranteed by the Convention."

As regards Russian Federation the Court found that "During the Moldovan conflict in 1991-92 forces of the former Fourteenth Army (which had owed allegiance to the USSR, the CIS and the Russian Federation in turn) stationed in Transdnistria, had fought with and on behalf of the Transdnistrian separatist forces. Large quantities of weapons from the stores of the Fourteenth Army had been voluntarily transferred to the separatists, who had also been able to seize possession of other weapons unopposed by Russian soldiers. In addition, throughout the clashes between the Moldovan authorities and the Transdnistrian separatists the Russian leaders had supported the separatist authorities by their political declarations."

In this respect, as regards "case of Ilascu and others" the Court found that "between 2 and 4 June 1992 the applicants were arrested at their homes in Tiraspol by a number of people, some of whom were wearing uniforms bearing the insignia of the former USSR's Fourteenth Army. They were accused of anti-Soviet activities and illegally combating the legitimate government of the State of Transdnistria, under the direction of the Moldovan Popular Front and Romania. They were also charged with a number of offences which included two murders. On 9 December 1993 the "Supreme Court of the MRT" sentenced Mr Ilascu to death and ordered the confiscation of his property. The other applicants were sentenced by the same court to terms of 12 to 15 years' imprisonment, and their property was likewise ordered to be confiscated."

In consequence, ECHR ruled that Republic of Moldova and Russian Federation were to pay for pecuniary and non-pecuniary damage to each applicant. Given that Ilie Ilascu and Alexandru Lesco had been released in May 2001 and June 2004 respectively, the Court also held that "Moldova and Russia were to take all the necessary steps to put an end to the arbitrary detention of the applicants still

imprisoned and secure their immediate release." The judgment is final as it was passed by the Grand Chamber.

b) Reaction of the Russian Federation

The same day ECHR issued its judgement Russian Ministry of Foreign Affairs issued a Statement ² expressing "bewilderment at the inconsistency, contradictoriness, subjectivity and the obvious political engagement of the European Court of Human Rights in Strasbourg".

The arguments cited by the Russian side resume to the following "under the Federal Law on Ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols Thereto, the Russian Federation recognizes the jurisdiction of the Court as binding where presumed violations of the Convention and the Protocols took place after their entry into force for Russia. Whereas the instrument of ratification had been transmitted to the Secretary General of the Council of Europe on May 5, 1998, the "case of Ilascu" events occurred long before this date". In addition, Russian authorities also cite "UN General Assembly Resolution 56/83 of December 12, 2001, whereby no act of a state is a violation of an international legal obligation unless this obligation binds this state during the commission of the act".

In fact, Russian Federation accused the Court of using "double standards", that is in the "case involving the bombings of Yugoslavia by the countries of the North Atlantic Alliance, the Court took up the defence of the NATO nations, using as a cover the principles of territorial jurisdiction, in the "case of Ilascu" the same Court employed in its interests the opposite principle of extraterritorial jurisdiction, actually proceeding from the false premise that on the territory of Transdniestria jurisdiction is being exercised by the Russian Federation".

Thereby, Russian authorities contest the very fact that ECHR did accept to examine the "case of Ilascu", mentioning that it "occurred long before the entry of the Convention into force for Russia. This is also recognized in the ruling by the Court itself".

The indignation expressed by the Russian authorities is best captured in the following statement "It is obvious to all, except the Court, that the continually diminishing presence of the several hundred Russian troops guarding storage facilities of military equipment left after the disintegration of the Soviet Union and performing peacekeeping functions based on the relevant agreement with Moldova can't be an instrument of any "control" on a territory of almost 1 million inhabitants." Yet another reason for indignation to Russian side is that the judgement "demands that Russia immediately release the applicants in prison, while any of our steps in this direction would be a gross interference in the internal affairs of the sovereign state of Moldova. This ruling is contrary to the United Nations Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States, of December 9, 1981."

It seems that Russian authorities deliberately neglect one of the well known facts. First of all ECHR's judgement indeed mentions that the provisions of the Convention applied only to events subsequent to its entry into force in the Contracting States, with regard to Moldova on 12 September 1997 and with regard to Russia on 5 May 1998. Albeit Convention provisions have a binding jurisdiction where presumed violations of the Convention and the Protocols took place after their entry into force for Russia, these provisions also have a binding jurisdiction as regards consequences that occurred after the Convention enforcement.

Those facts are important because the application was lodged on June 14 1999, whereas on March 20, 2001 the Chamber to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber (Article 30 of the Convention). By a decision of Grand Chamber on 4 July 2001 the application was declared partly admissible. A delegation of the Court conducted an on-the-spot investigation in Chisinau and Tiraspol on March 10 -15, 2003.

Secondly, ECHR works on a precedent basis. In this respect, it is worth considering the case "Loizidu v. Turkey". In March 1995 the Court accepted for examination the case on Turkey's responsibility for actions undertaken by authorities on the occupied territory of North Cyprus. After that case, "jurisdiction" in the sense used in the Convention is not limited only to the territory of the Contracting State. Actually Contracting States are also hold responsible for the territories they control de facto, having the obligation to ensure either directly or by means of the administration they are controlling that the rights and liberties provided for in the Convention are observed on that territory.

Noteworthy, Court's judgement on the "case of Ilascu" states that after 5 May 1998, when the Convention came into force with regard to Russia, in the security zone controlled by the Russian peacekeeping forces the "MRT" regime continued to deploy its troops illegally and to manufacture and sell weapons in breach of its undertakings to withdraw them completely taken at OSCE summits in 1999 and 2001. All of the above proved that the "MRT" remained under the effective authority, or at the very least under the decisive influence, of Russia, and in any event that it survived by virtue of the military, economic, financial and political support that Russia gave it.

Moreover, Court judgement reads that not only does Russia have a decisive influence on Transdnistriean authorities, it also has a decisive influence on Moldovan authorities. In this sense, the Court noted with concern the content of a note of April 2001 sent by Russia to the Moldovan authorities, from which it appeared that the Russian authorities had requested Moldova to withdraw the observations it had submitted to the Court in October 2000 in so far as these implied responsibility on the part of Russia on account of the fact that its troops were stationed in Moldovan territory, in Transdnistria. Consequently, at the hearing on 6 June 2001 the Moldovan Government had declared that it wished to withdraw the part of its observations concerning Russia. Such conduct on the part of the Russian Government represented a negation of the common heritage of political traditions, ideals, freedom and the rule of law mentioned in the Preamble to the Convention and were capable of seriously hindering the Court's examination of an application lodged in exercise of the right of individual petition and thereby interfering with the right guaranteed by Article 34 of the Convention itself.

The very emotional reaction of the Russian authorities expressed in the said Declaration probably stems from the aforementioned findings of the Court. Indeed, when declining their responsibility for the "effective control" over Transdniestria, Russian authorities failed to mention that all of the Transdniestrian separatist elite are citizens of the Russian Federation and that Russian companies having the state as their main shareholder take part in the privatization of the public patrimony in Transdniestria, despite the fact that Moldovan authorities keep insisting that the latter is illegal. Moreover, Russia grants Russian citizenship to residents of Transdniestria in such a scale that quite soon they would account for the great majority of the population, as is the case of Abkhazia and South Osetia.

Finally, the way the Declaration ends definitely raises some eyebrows, namely Russia would fulfil "incorrect and politicized judgement" because it "has always fulfilled and will continue to fulfill its international obligations".

To be continued...

¹ European Court of Human Rights - Grand Chamber Judgment in the case of Ilascu and others v. Moldova and Russia

² Concerning the Ruling of the European Court of Human Rights in Strasbourg on the "Case of Ilascu"

What happens after ECHR' ruling?

Igor Botan, 27 July 2004

*Democracy and governing in Moldova
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a) Transdnistria's reaction to ECHR' judgement

The first reaction of the Russian Federation to the ECHR's judgement on "the case of Ilascu" paved the way for the Transdnistrian authorities' saying. As it was to be expected, Transdnistrian reaction was far more radical. As usual, "indignation of the public opinion with the judgement of the European Court on the case of terrorist Ilascu" ¹ was staged. Moreover, Transdnistrian experts and analysts had their saying as well, regretting that "European Court judges are guided by the formal and not humanitarian law" and were disappointed by the European values, predicting even the "fall of the European civilization" ².

At the same time, Ministry of Foreign Affairs of the self-proclaimed Moldavian Republic of Transdnistria issued a statement reading that "Transdnistrian state was founded at the will of the people in compliance with the most advanced democratic standards and international law, and from the first days of its existence faced state terrorism from the Republic of Moldova against peaceful citizens. Transdnistria had to take necessary measures to defend its people from the terrorist actions and do everything in its power to punish criminals" ³. The statement also reads that "ECHR judges' bias while exercising their professional duties has nothing to do with doing justice, setting a rather dangerous precedent and justifying terrorism in its worst forms".

To back up their position Ilascu's declaration made right "after his release" was cited, namely that "the terrorist confessed his relations with the Moldovan authorities, and the type of crimes committed on order". This is an allegation reiterated by Ilascu at the press conference of July 13: "There was no military conflict in 1992, but a military aggression of the Russian Federation against the newly emerged independent state of the Republic of Moldova. I and my colleagues have never been criminals, because we were exercising our duties and orders from Chisinau" ⁴, being mobilized by the Ministry of National Security of the Republic of Moldova to "fight the enemy". Finally the declaration reads "Moldavian Republic of Transdnistria expresses its bewilderment at the ECHR judgement, considering that it is impossible to release the terrorists before the term and declares that it will not give up on the inevitability of the punishment. Terrorists have no nationality, nor dignity, they are not worth pardoning, whereas their crimes have no prescription term. Ministry of Foreign Affairs would like to draw the attention of European institutions to the inadmissibility of manipulating democratic principles and the need to strictly observe the rights of each person, regardless of ethnic origin, the more so, of the state of residence".

The fact that Transdnistrian regime refuses to comply with ECHR judgement and ventures in preaching to this pan-European institution how the justice should be done is very illustrative. The protectorate it enjoys enables Transdnistria to take a solipsist position, ignoring and contradicting everyone and everything they disagree with, including the formal logic, sequence of events and even the interests of the main

guarantor of their existence. That is why, for them the only perspective to look at things is their self-interest.

b) Quality of arguments

The logic adopted by the Transdnistrian regime resumes to the formula: the regime exists de facto, that is why it should be recognized de jure. This is the logic adopted by the strongest, or to put it differently of the strongest protege, who believes that it has enough power and influence to create new realities and opportunities to justify them. This logic was behind the "separatist international" in 1992, "international" that was made up only by pro-Russian secessionist regimes such as Transnistria and Gagauzia in Moldova, Crimea in Ukraine, Nagorno-Karabakh in Azerbaijan, Abkhazia and South Osetia in Georgia, and even Serbska Kraina in Croatia. Chechen Republic also wanted to join the "international", however it was denied membership on the grounds it did not met the main criteria. In the case of the Republic of Moldova, efficiency of the formula depends on whether it would be possible to avoid internationalization of the conflict, which was inspired and is mediated by Russia, which also should guarantee its final settlement. For almost ten years now Moldovan authorities have been the victims of this logic.

ECHR's judgement brings down this logic, establishing that the Transdnistrian regime is illegal, and therefore is not entitled to do justice. Moreover, ECHR judgement opens the possibility for the most wide and efficient "internationalization" of the settlement of the Transdnistrian conflict. And this after Transdnistrian regime got the status of party equal to the Republic of Moldova in the negotiation process, whereas on May 16, 2001 President Voronin signed together with Transdnistrian leader Igor Smirnov a protocol, thereby damages that Republic of Moldova was to pay to Transnistria for "aggression" were to be calculated.

Currently Transdnistrian propaganda machine tries to convince the citizens that international forums are guided by some obscure interests and that there is still a chance for the Transdnistrian statehood to be recognized. That is why, a reference to "Transdnistrian state founded at the will of the people" is made in the statement of the Ministry of Foreign Affairs. In this respect it is worth mentioning that following the logic of Transdnistrian leaders, one year after the 1989 census that found that Moldovans, Ukrainians, Russians, etc resided on both banks of Dniester, the "genesis of the Transdnistrian people" happened, and right from that moment they were endowed with the right to self-determination. Moreover, absolute majority of the leaders of "Transdnistrian people" came from Russia and other former soviet republics so as to explain Transdnistrians what was their history and to help them exert the "right to self-determination".

In this respect it is worth reviewing the arguments brought by the Transdnistrian regime. Throughout the 14 years of its existence, Tiraspol leaders justified the "right of Transdnistrian people to self-determination" by - opposing the linguistic policy pursued by "Romanian nationalists" and illustrated by the Law on the Status of State Language adopted on August 31, 1989 by the Chisinau Parliament, or defending "socialist motherland - URSS" that was to be rebuilt thanks to the efforts of the

Transdnistrian regime, and finally that it was aimed at "promoting Russia's interests in South-Eastern Europe".

Now, it would be interesting to see how the leaders of Russian speaking community in the Republic of Moldova themselves assess the linguistic policy that inspired the secessionism in the first place. During last year's debates on the Conception of National Policy of the Republic of Moldova one of the leaders of the Russian community in Moldova, also Deputy Speaker of Parliament, Vadim Misin, stated in an interview to "Accente" newspaper that he could not motivate his Russian-speaking friends to study state language as in such a tolerant linguistic environment and having profitable businesses, they simply did not see the point of studying it. In this respect, another leader of the Russian community in the Republic of Moldova, Chair of the Parliamentary commission on Human Rights, Mihail Sidorov, stated on NIT TV station that the 1989 Law on the Status of State Language had been and was in compliance with European standards.

The aforesaid examples illustrate that linguistic policies were just a pretext for secessionism. It is true that the quality and relevance of arguments on the one hand pleading for legalizing Moldovan/Romanian language as a state language, and on the other opposing it, did trigger some regrettable events and actions. Up till now Transdnistrian leaders justify their secessionism by citing slogans of the "nationalists" rallies, forgetting to mention the slogans of the "international" that may still be read in the Chisinau public transportation. It's hard to say which of those deeds or words stemmed from uncontrolled emotions and which from well-planned provocations. The important thing is that all the normative acts (available for anyone to consult) passed at that time by the Moldovan authorities, which contained nothing that would justify secessionism, fact confirmed by the leaders of the Russian community in the Republic of Moldova.

c) What Jupiter is allowed is forbidden to the ...

Under the given circumstances and behaviour of the Transdnistrian regime simply undermine the prestige of the Russian Federation. Therefore, if Republic of Moldova's actions in 1992 to "restore constitutional order" in Transdnistria are viewed by Transdnistrian leaders as aggression and "state terrorism", how could then Russia's actions to restore "constitutional order" in Chechnya be called? Firstly, Republic of Moldova was involved in the conflict as a result of a provocation staged near the Bender police commissariat, whereas Russian army entered Chechnya to "restore constitutional order" using "military tactics", such as "taking enemy by surprise" when everyone was celebrating New Year in 1995.

Second of all, Russia entered with its military in Chechnya to "restore constitutional order" two years and a half after its military prevented Republic of Moldova to do a similar thing in Transdnistria. Thus, what Chisinau is not allowed in its fight with separatism, Russia is. Thirdly, in 1996 Russian leadership ordered liquidation of Chechen leader Djokhar Dudaev. Therefore, Russian pilots erased several villages together with their inhabitants until they completed the order. A question then arises - aren't Russia's actions in Transdnistria, and those in Chechnya a manifestation of double standards? Noteworthy, the aforesaid actions against Chechnya happened

before the rebel forces' terrorist attacks, which in fact triggered them. Therefore, following the logic of the Transdnistrian leaders, Russia's actions represented genuine "acts provoked by aggression and state terrorism".

What's striking is the cynicism of the Tiraspol leaders' logic, who are citizens of Russian. They engage in condemning terrorism, preaching to ECHR how to do justice at the time two of their fellow citizens, officers of Russian secret service, were condemned to life in prison by the Qatar court for murdering another former president of Chechnya, Zelimkhan Iandarbiev. In this case, Tiraspol leaders show no signs of compassion towards their fellow citizens, who simply executed the order given by their superiors, or do they apply double standards?

In fact, separatist leaders are concerned with their interests only. That is why, they announced they would not comply with ECHR. In line with their logic, complying with ECHR's judgement would equal to acknowledging the inconsistency of the separatist cause. Their defying position on ECHR's judgement probably wants to demonstrate that Transdnistrian regime is not under the influence of Russian Federation, which stated it would conform with the judgement. Indeed, the behaviour of Transdnistrian leaders shall thrive as long as they enjoy economic, financial and political support from Russia and while Russian military forces are still stationed in Transdnistria.

Their logic now implies that deteriorating relations with Republic of Moldova is their last ditch. Transdnistrian propaganda is working full force non-stop to consolidate the syndrome of "fortress under siege" attacked by "Moldovan nationalists" supported by "world imperialist forces". That is exactly why, last week immediately after OSCE Commissioner on National Minorities, Rolf Ekeus, had visited Chisinau and Tiraspol, the plan to shut down Moldovan schools in the region was contrived. In the eyes of Transdnistrian leaders those schools represent "the fifth pylon" seeking to undermine Transdnistria's statehood. And this because the heads of Moldovan schools in Transdnistria refuse to register at the State Registration Chamber of Transdnistria.

OSCE Mission to the Republic of Moldova views shutting-down the schools as "linguistic cleansing". Then followed critical remarks from Council of Europe Secretary General, Walter Schwimmer and heads of western diplomatic missions accredited in the Republic of Moldova. However Russia's reaction was perfectly in line with its status of guarantor and mediator, calling "Transdnistrian leaders to refrain from administrative measures, and show a balanced attitude". Russian Foreign Minister pointed that the issue of schools is a "consequence of unsettled conflict"⁵, hinting that the incident with Moldovan school is a direct consequence abandoning "Kozak Memorandum".

Now, Transdnistrian authorities are applying the formula tested long ago, i.e. they are independent from Russia in decision-making, on the hand Russia is the only one able to mediate the conflict. Transdnistrian authorities count on the fact that on the eve of parliamentary elections Chisinau would not risk to take some wide scale measures, on the contrary their electoral interest would be to get on good terms with Russia. Rhetoric on Russia's acceptance to sign the Stability Pact for the Republic of Moldova and the need for the reintegration of the country would take centre stage.

Meanwhile, during the October census Transdnistrian authorities intend to prove that citizens residing in the region identify themselves as "Transdnistrians" and that such a nation really exists and it has the right to self-determination. Moreover, separatist leaders already decided that in parallel with 2005 parliamentary election in the Republic of Moldova, a referendum on the right of private property on land shall be held in Transdnistria. The latter would be yet another incentive for the propagandistic machine to exploit the thesis on the exclusive interest of Moldovan authorities to take over the privatized property of the "Transdnistrian people".

In conclusion, while Tiraspol regime creates new opportunities for strengthening its positions, Republic of Moldova together with Russian Federation would look for a federalist formula to legalize the former in compliance with the Basic Treaty signed in November 2001.

¹ <http://www.olvia.idknet.com/ol43-07-04.htm>

² <http://www.olvia.idknet.com/ol52-07-04.htm>

³ <http://www.olvia.idknet.com/ol48-07-04.htm>

⁴ Jurnal de Chisinau, nr. 298, 16 iulie 2004

⁵ http://www.ln.mid.ru/brp_4.nsf/sps/35DF965F6F337762C3256ED6004DF5F4